

C. Tom Arkoosh, ISB #2253
ARKOOSH LAW OFFICES, CHTD.
P.O. Box 32
Gooding, Idaho 83330
Telephone: (208) 934-8872
Facsimile: (208) 934-8873

*Attorneys for American Falls Reservoir
District #2*

John A. Rosholt, ISB #1037
John K. Simpson, ISB #4242
Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
BARKER ROSHOLT & SIMPSON LLP
P.O. Box 485
Twin Falls, Idaho 83303-485
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

*Attorneys for Milner Irrigation District, North
Side Canal Company and Twin Falls
Canal Company*

Roger D. Ling, ISB #1018
LING ROBINSON & WALKER
P.O. Box 396
Rupert, Idaho 83350
Telephone: (208) 436-4717
Facsimile: (208) 436-6804

*Attorneys for A & B Irrigation District and
Burley Irrigation District*

W. Kent Fletcher, ISB #2248
FLETCHER LAW OFFICE
P.O. Box 248
Burley, Idaho 83318
Telephone: (208) 678-3250
Facsimile: (208) 878-2548

Attorneys for Minidoka Irrigation District

RECEIVED
MAR 06 2006
DEPARTMENT OF
WATER RESOURCES

IN THE COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) Subcase Nos.: EXHIBIT A
) (City of Pocatello)
)

) **JOINT MOTION TO**
) **PARTICIPATE**
)
)
)
)
)

COME NOW, American Falls Reservoir District #2, A & B Irrigation District, Burley
Irrigation District, Milner Irrigation District, Minidoka Irrigation District, North Side Canal
Company and Twin Falls Canal Company (collectively "Surface Water Coalition" or

“Coalition”), by and through their undersigned attorneys of record, and hereby submit this *Joint Motion to Participate* pursuant to this Court’s Administrative Order No. 1 (AO1) 10(k) and Idaho Rule of Civil Procedure 24 in the above captioned subcases concerning water right claims filed by the City of Pocatello (hereinafter “Pocatello”). The Coalition meets the requirements to intervene in this action as a matter of right pursuant to I.R.C.P. 24(a). In the alternative, the Coalition also moves for permissive intervention pursuant to I.R.C.P. 24(b). This motion is supported by the *Memorandum in Support of Joint Motion to Participate* and the *Affidavit of Travis L. Thompson* filed together herewith.

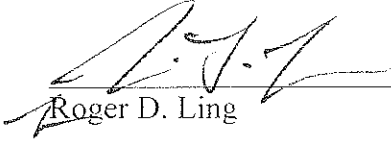
As set forth in the accompanying *Memorandum in Support of Joint Motion to Participate*, the Surface Water Coalition has significant protectable interests that stand to be affected by the outcome of this case. Moreover, the attempt by Pocatello to seek separate administration of its Basin 29 water right is without factual or legal support and stands to significantly impair the Coalition member’s water rights, as well as the hydraulically connected water sources that supply those rights. Furthermore, no other parties will adequately represent the Coalition’s interests. Finally, this motion is timely since the consolidated subcases are in their initial states of litigation – no discovery has taken place, no motions have been heard by the Court, and the most recent scheduling order indicates that the trial will not begin until the end of this year. Accordingly, the Coalition’s motion to intervene should be granted. The Coalition requests oral argument on this motion.

WHEREFORE, the Surface Water Coalition respectfully requests this Court to:

- 1) Enter an Order granting the Coalition’s *Joint Motion to Participate* in the above matter.

Dated this 2nd day of March 2006

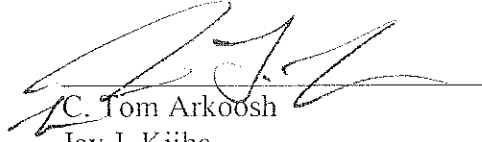
LING ROBINSON & WALKER



Roger D. Ling

*Attorneys for A & B Irrigation District and
Burley Irrigation District*

ARKOOSH LAW OFFICES CHTD.



C. Tom Arkoosh
Jay J. Kiiha

*Attorneys for American Falls Reservoir
District #2*

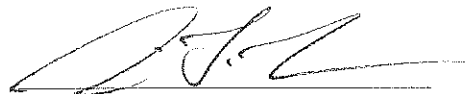
FLETCHER LAW OFFICES



W. Kent Fletcher

Attorneys for Minidoka Irrigation District

BARKER ROSHOLT & SIMPSON LLP



John A. Rosholt
John K. Simpson
Travis L. Thompson
Paul L. Arrington

*Attorneys for Milner Irrigation District, North
Side Canal Company, and Twin Falls
Canal Company*

EXHIBIT A

Subcase Nos.:

- 29-00271
- 29-00272
- 29-00273
- 29-02274
- 29-02338
- 29-02354
- 29-02382
- 29-02401
- 29-02499
- 29-04221
- 29-04222
- 29-04223
- 29-04224
- 29-04225
- 29-04226
- 29-07106
- 29-07118
- 29-07119
- 29-07222
- 29-07322
- 29-07375
- 29-07431
- 29-07450
- 29-07502
- 29-07770
- 29-07782
- 29-11339
- 29-11344
- 29-11348
- 29-13558
- 29-13559
- 29-13560
- 29-13561
- 29-13562
- 29-13636
- 29-13637
- 29-13638
- 29-13639

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of March, 2006, I served a true and correct copy of the foregoing JOINT MOTION TO PARTICIPATE on the person(s) listed below, in the manner indicated:

IDWR Document Depository
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for City of Pocatello

Sarah A. Klahn
WHITE & JANKOWSKI, LLP
511 16th Street, Suite 500
Denver, CO 80202

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for City of Pocatello

Natural Resources Division Chief
IDAHO ATTORNEY GENERAL'S OFFICE
P.O. Box 44449
Boise, ID 83711-4449

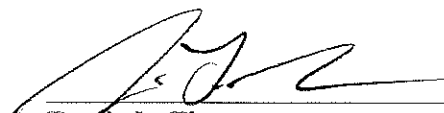
☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for State of Idaho

Environment & Natural Resources Division
U.S. DEPARTMENT OF JUSTICE
550 W. Fort Street, MSC 033
Boise, ID 83724

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile
☐ Email

Attorneys for United States of America



Travis L. Thompson